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Section 2 of the Harrison act makes it unlawful to "sell, barter, exchange, or give away," with certain exceptions, any of the drugs mentioned in section 1 of the act. The defendant, a physician, was charged with unlawfully dispensing drugs not in the course of his professional practice. The evidence showed that he had issued a great many prescriptions for the drugs, but he contended that he had committed no offense, because the words "sell, barter, exchange, or give away" could only apply to owners of the drugs.

In rejecting this contention the court said:

It is insisted that to dispense or distribute the drugs on a prescription is not to sell, barter, exchange, or give them away. It is held in *United States v. Stowell* (133 U. S. 1, 10 Sup. Ct. 244, 33 L. Ed. 555) that statutes enacted to prevent frauds upon the revenue are considered as enacted for the public good and to suppress a public wrong, and, therefore, although they may impose penalties or forfeitures, are to be fairly and reasonably construed so as to carry out the intention of the legislature. It could hardly be said that words of so broad import as "sell, barter, exchange, or give away," when standing together, were intended by Congress to be so narrowly and strictly construed as to include only those cases where title to the prescribed drug was in him who undertook to dispense or distribute it. The lawmakers were not concerned with the ownership of the drug, but with its unlawful distribution. It could matter nothing to the poor victim in the fatal clutches of the drug habit where title was to the narcotic which was thus dispensed to him, every grain of which brought him nearer to the grave. Whether the victim procured the drug from the hand of the physician or through the druggist on an order or prescription of the physician can matter nothing, unless we look blindly at the letter of the act, wholly forgetting its spirit and purpose.

EPIDEMIC INFLUENZA.

PREVALENCE IN THE UNITED STATES.

A decided decrease in the number of reported cases of influenza throughout the United States is shown by telegraphic reports for the week ended March 29. (See pp. 696 and 700.)

A recrudescence of the disease is reported in the western part of Kansas, and the number of cases reported in the State of Vermont is slightly greater than for the preceding week. With these exceptions decreases are noted in all States from which reports have been received.